

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

No. 19-cv-1705 (SRN/ECW)

Plaintiff,

v.

**DEFAULT JUDGMENT
AND FINAL ORDER
OF FORFEITURE**

1. 18410 Lone Oak Court,
Prior Lake, Minnesota;
2. 2015 Ford F350 Super Duty,
VIN: 1FT8W3BT2FEA22815;
3. 2014 Chevrolet Cruze,
VIN: 1G1P75SZ1E7295409;
4. 2017 Suzuki GSX-R1000 Motorcycle,
VIN: JS1DM11H2H2100143; and
5. 2015 Yamaha VMAX Motorcycle,
VIN: JYAVR29EXFA003160;

Defendants;

Scott Bevers and Deanna Bevers;

Claimants.

Andrew Tweeten, United States Attorney's Office, District of Minnesota, 600 United States Courthouse, 300 S. 4th St., Minneapolis, MN 55415, for the Government

Scott Lewis, Scott Lewis Law Firm, P.A., 5775 Wayzata Blvd., #700, St. Louis Park, MN 55416, for Defendant Scott Bevers

Kirk M. Anderson, Anderson Law Firm, PLLC, 5775 Wayzata Blvd., Ste. 700, Minneapolis, MN 55416, for Defendant Deanna Bevers

SUSAN RICHARD NELSON, United States District Judge

Pending before the Court are two motions filed by the Government: (1) the Motion for Default Judgment and Forfeiture of Property as to Defendants 3, 4, and 5 [ECF No. 28]; and (2) the Motion for Default Judgment and Forfeiture of Property [ECF No. 39]. Counsel, listed above, appeared at a hearing before the undersigned judge on May 25, 2022, in the Warren E. Burger Federal Building and United States Courthouse in St. Paul, Minnesota.

At the hearing, counsel for the Government noted that it had withdrawn the Motion for Default Judgment and Forfeiture of Property as to Defendants 3, 4, and 5 [ECF No. 28], and replaced it with its later-filed Motion for Default Judgment and Forfeiture of Property [ECF No. 39]. The Court therefore denies as moot the earlier motion and turns to the Motion for Default Judgment and Forfeiture of Property [ECF No. 39] (hereinafter, “the motion”).

In the Government’s motion, it seeks an order: (1) granting default judgment against all unknown persons and entities who have failed to file claim to Defendants and answer to the Verified Complaint for Forfeiture *In Rem*; and (2) entering a Final Order of Forfeiture in accordance with the Government’s settlement agreement with Claimants Scott Bevers and Deanna Bevers. Based on all the files and records in this action, the Court finds as follows:

1. The United States filed its Verified Complaint for Forfeiture *In Rem* on June 27, 2019. (ECF No. 1.) The Verified Complaint alleges that Defendants are subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4), (a)(6), and (a)(7). *Id.*

2. The Clerk of Court issued a Warrant of Arrest and Notice *In Rem* on July 16, 2019, directing the United States Marshal for the District of Minnesota to arrest Defendants 2-5 and serve all known persons and entities having an interest in Defendants 2-5 a copy of the Complaint for Forfeiture *In Rem* and the Warrant of Arrest and Notice *In Rem*. (ECF No. 3.)

3. On July 15, 2019, the government filed a Notice of Lis Pendens, which was recorded with the Office of the County Recorder in Scott County, Minnesota on July 18, 2019, notifying any interested party that civil forfeiture was pending against the real property located at 18410 Lone Oak Court, Prior Lake, Minnesota. (Tweeten Decl. [ECF No. 38] ¶ 4.)

4. The United States Marshal served the Notice of Judicial Forfeiture Proceedings, the Complaint for Forfeiture *In Rem*, and the Warrant of Arrest and Notice *In Rem*, by personal service to Deanna Bevers and Scott Bevers on July 18, 2019; and by real property posting on July 18, 2019. (*See* Tweeten Decl. ¶ 5 & Ex. 1.)

5. Pursuant to Rule G(4)(a)(iv)(C), the United States Attorney's Office for the District of Minnesota posted notice of this forfeiture action on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning November 9, 2021. (*See* ECF Nos. 24, 24-1.)

6. On August 12, 2019, Deanna Bevers filed a Verified Claim asserting an interest in Defendant 1, the real property located at 18410 Lone Oak Court, Prior Lake, Minnesota. (ECF No. 4.)

7. On August 12, 2019, Scott Bevers filed a Verified Claim asserting an interest in Defendant 1, the real property located at 18410 Lone Oak Court, Prior Lake, Minnesota. (ECF No. 5.)

8. No other verified claim or answer has been filed with the Clerk of Court or served upon the United States Attorney, and the time for filing a claim and answer has expired under Rule G(5), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

9. The United States entered a Stipulation of Settlement with Claimants Deanna Bevers and Scott Bevers [ECF No. 25].

IT IS HEREBY ORDERED:

1. Plaintiff's Motion for Default Judgment and Forfeiture of Property as to Defendants 3, 4, and 5 [ECF No. 28] is **DENIED AS MOOT**.

2. Plaintiff's Motion for Default Judgment and Forfeiture of Property [ECF No. 39] is **GRANTED**.

3. The Stipulation of Settlement between the United States and the Claimants, Deanna Bevers and Scott Bevers [ECF No. 25] is **APPROVED**.

4. A default judgment is entered against all unknown persons and entities having an interest in Defendants for failure to file a verified claim and answer to the Verified Complaint for Forfeiture *in Rem*, as required by 18 U.S.C. § 983(a)(4)(A) and (B), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

5. The following Defendants are forfeited to the United States pursuant to 21 U.S.C. § 881(a)(4), (a)(6), for disposition in accordance with law:

- a. 2014 Chevrolet Cruze, VIN: 1G1P75SZ1E7295409,
- b. 2017 Suzuki GSX-R1000 Motorcycle, VIN: JS1DM11H2H2100143, and
- c. 2015 Yamaha VMAX Motorcycle, VIN: JYAVR29EXFA003160.

6. An Order of Forfeiture is entered as to the real property located at 18410 Lone Oak Court, Prior Lake, Minnesota and as to the 2015 Ford F350 Super Duty, VIN: 1FT8W3BT2FEA22815, forfeiting the sum of \$35,000.00 as a substitute *res* for the real property located at 18410 Lone Oak Court, Prior Lake, Minnesota and the 2015 Ford F350 Super Duty, VIN: 1FT8W3BT2FEA22815.

7. Any other claim by the United States to the real property located at 18410 Lone Oak Court, Prior Lake, Minnesota and the 2015 Ford F350 Super Duty, VIN: 1FT8W3BT2FEA22815, arising from the circumstances alleged in the Verified Complaint is **DISMISSED with prejudice** pursuant to the Stipulation of Settlement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 25, 2022

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge